IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 7606 of 2005

Between:

Duvvuri Janardhan Reddy,

S/o Venkatarami Reddy, Nellore District.

..... PETITIONER

AND

1 The District Collector, Nellore District, Nellore.
2 The Sub Collector, Gudur Sub Collector's Office,
Gudur, Nellore District.
3 The Mandal Revenue Officer, Chittamoor Mandal Office,
Chittamoor Village & Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ order or direction more particularly in the nature of Writ of Mandamus declaring the show cause notice bearing RC.No. 2709/22004 dt. 5-3-2005 issued by the 3rd respondent herein as arbitrary, illegal, capricious and apart from gross abuse of powers in colorable exercise under A.P. Land Reforms (Ceiling on Agricultural Holdings) Act 1973 & Act 9 of 1977 and consequently direct the respondents herein not to dispossess the petitioner herein from the lands mentioned in Notice bearing RC.No. 2709/2004 dt. 5-3-2005 and pass such other order as may be deemed fit and proper in the circjumstances of the case.

Counsel for the Petitioner: MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

This writ petition is filed questioning the show cause notice bearing Rc.No.2709/2004, dated 5-3-2005, issued by the third respondent alleging that the petitioner is in occupation of assigned lands and calling upon him to explain as to why he should not be evicted.

Though the learned Counsel for the petitioner raised several contentions stating that all the allegations made in the impugned show cause notice are incorrect and without any basis, since admittedly the impugned notice is only a show cause notice, I am not inclined to entertain the writ petition. The impugned notice is nothing but affording an opportunity to the petitioner to explain the allegations and as on today there is no adverse order against the petitioner. Hence, the writ petition is premature.

Accordingly, without expressing any opinion on merits, the writ petition is disposed of granting leave and liberty to the petitioner to submit an appropriate explanation to the show cause notice dated 5-3-2005, within a period of three weeks from today. If the petitioner files any such explanation within the time specified above, the third respondent shall consider and pass appropriate orders in accordance with law. Till such time, there shall be a direction to the respondents, not to dispossess the petitioner from the land in question. No order as to costs.

---------- 11-04-2005

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Copy to:

1 The District Collector, Nellore District, Nellore.
2 The Sub Collector, Gudur Sub Collector's Office,
Gudur, Nellore District.
3 The Mandal Revenue Officer, Chittamoor Mandal Office,
Chittamoor Village & Mandal, Nellore District.

4 Two CCs to the G.P. for Revenue,
High Court Buildings, High Court of A.P.,

Hyderabad. (O.U.T.)
5 Two CD copies